

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES TRAYZON GILBERT,

No. 2:22-cv-2160 DB P

Plaintiff,

v.

W. PEREZ, et al.,

ORDER AND FINDINGS AND
RECOMMENDATIONS

Defendants.

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that he was falsely found guilty of a rules violation in retaliation for exercising his first amendment rights.

By order dated March 29, 2023, the court screened and dismissed the complaint for failure to state a claim. (ECF No. 4.) Plaintiff was granted thirty days leave to file an amended complaint and advised that failure to file an amended complaint would result in a recommendation that this action be dismissed. (*Id.* at 12.) Those thirty days have passed, and plaintiff has not filed an amended complaint, sought additional time to file an amended complaint, or otherwise responded to the court's order. Accordingly, the undersigned will recommend that this action be dismissed for failure to prosecute and failure to comply with court orders.

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1 For the foregoing reasons, the Clerk of the Court is ORDERED to randomly assign this
2 action to a United States District Judge.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
4 Local Rule 110; Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court and serve a copy on all parties. Such a document should be captioned “Objections
9 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
10 objections within the specified time may waive the right to appeal the District Court’s order.

11 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: June 2, 2023



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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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